23. Abolition of the duty on copra and cocoanut husk and recoupment of the loss thereby sustained by enhancing the tax on cocoanut trees.

Mr. V. R. Kochunni Vaidyan (Member, Nominated) pleaded strongly for the abolition of the duty on copra, cocoanut oil, cocoanut fibre, coir, etc., in the interests of the persons who were engaged in the manufacture of those articles. The imposition of duty on the above articles, the Member stated, was a serious obstacle to the steady development of the coir and coir-matting industries in the country. Owing to the rise in the prices of those articles consequent on the heavy export duty imposed, the dealers were not able to sell them in other countries with any advantage. He drew the attention of the Government to the fact that, since the persons engaged in the manufacture of cocoanut oil, cocoanut fibre and coir mats were generally poor with no substantial capital, they should not be burdened with duties on such articles and suggested that, with a view to make up for the loss of revenue under those heads, the tax on cocoanut trees might be suitably enhanced.

Dewan's reply.—I am afraid that the Member's proposal is economically unsound, and I do not know if the land-holding population of the country will support it. The trend of modern finance is to lighten the burden on land and to remove all impediments to the investment of capital with a view to improve it, so much so that it would be a matter for serious consideration whether the tax on trees should not be altogether abolished when we take up re-settlement operations. The duty in question is an indirect tax which comes from the pockets of the foreigners who purchase these articles of export and not the people who consume those articles in this country.

III. PROTECTION.

Legislation, Criminal and Civil Justice.

24. The Ezhava Bill.

Mr. S. Kumaravelu Panikkar (Member, Nominated) said that Ezhavas were following the Makkathayam law of inheritance in their original homes in British India and that it was only after their settlement in Travancore that they adopted the Marumakkathayam law through their contact with the people of the country. This latter system of inheritance was the cause of their degradation. In thanking the Government for the appointment of a Committee for the consolidation and establishment of the law governing the marriage and inheritance of Ezhavas on a stable basis, the Member submitted that the Ezhava Bill did not fully represent the view of the majority of witnesses examined by the Committee. Lest the interests of the community concerned should be adversely affected by the halting provisions embodied in the Bill, he suggested that the resolution of the S. N. D. P. Yogam to introduce the system of individual partition and the Makkathayam law of inheritance might be accepted by the Government and the Ezhava Bill amended accordingly.

Dewan's reply.—The Bill is now before the Legislative Council. It has been reserved for consideration by the new Council which will be a larger one than the old Council and will have a non-official majority also. Your representation will be referred to the new Council for consideration.

25. Necessity for introducing a law to regulate succession and inheritance among Pulayas.

Mr. Kurumban Daivathan (Member, Nominated) submitted that the subject of his representation was the same as the one which he had brought forward in the previous years, viz., the need for enacting a law to regulate inheritance and succession amongst Pulayas. The argument urged against his proposal was that Pulayas had no landed property. But of late some of them had been acquiring property as a result of the liberal and enlightened policy of the Government in ameliorating their material condition and according them concessional treatment in the matter of acquisition of *puduval* lands. He then detailed the various difficulties experienced by them for

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want of a uniform law of inheritance and succession among them and added that his community unanimously wished for the introduction of Makkathayam law which had already received authoritative recognition from the High Court. There were conflicting decisions in the Chengannur Munsiff's Court and elsewhere, and it was essential that the law in that respect should be laid down beyond doubt or dispute. He also requested that a Pulaya Member might be nominated to the new Legislative Council.

Dewan's reply.—The High Court have expressed the opinion that there is no necessity to legislate for the Pulayas at present. The High Court have not given reasons, but apparently what is in the mind of the High Court is that Pulayas have just begun to possess property, and they will have to wait for some time more for a law for the devolution of their property. I understand that there have been already two rulings by the High Court laying down that the law of inheritance among Pulayas is Makkathayam. The Member does not seem to be right when he says that there have been conflicting decisions in the matter. Mr. Subba Aiyar, the Additional Head Sirkar Vakil, says that both the rulings are to the effect that the law governing the inheritance of Pulayas is the Makkathayam law, and that there is no inconsistency in the decisions of the High Court. With regard to the conflicting decisions in the Chengannur Munsiff's Court, referred to by the Member, I would say that it is the High Court alone that can lay down case law. My advice to the Member is that the community should wait for a couple of years, and some one on behalf of the community should then bring up this question before the new Legislative Council. This is a matter in which a private Bill is more suitable than a Government Bill. The Member's request for the nomination of a Pulaya member in the new Council is noted.

26. Desirability of bringing into line with Mahomedan law the customary law of succession and inheritance obtaining among certain classes of Mahomedans in the Quilon and Chirayinkil Taluks following the Marumakkathayam system of inheritance.

Mr. E. Mahomed Kunju (Member, Nominated) said that a section of Mahomedans belonging to the Shafi sect of Sunnis and living in Paravur and Mayyanad in the Quilon taluk and in Edava, Odetti and other places in the Chirayinkil taluk were now following the Marumakkathayam law of inheritance on the strength of custom which was repugnant to the teachings of the Koran and unsuitable to modern conditions. There were cases in which parties had entered into registered agreements renouncing the Marumakkathayam law and proposing to be governed by the ordinary Mahomedan law, but such agreements were not binding on the parties, because they were not legally enforceable. Further, several meetings had been held and resolutions passed in favour of the adoption of Mahomedan law by the community affected. On those grounds he urged that the Government might pass a law declaring them to be governed by the ordinary Mahomedan law. The Member also suggested the appointment of a Committee to investigate the matter, if Government thought it necessary to do so, and said that the operations of such a Committee would not involve any loss of time or money, since the community concerned was very small and living in compact villages.

Dewan's reply.—This again is a matter of social legislation and is one that ought to be brought up in the form of a private Bill before the Legislative Council. But if the intervention of Government is sought, Government should be satisfied that there is, though not a concensus of opinion in favour of a change in the system of inheritance, a widespread feeling at least in the community to that effect. Unless Government have some evidence of such widespread feeling, Government would not be justified in incurring the expenditure involved in the appointment of the Committee suggested by the Member.

Member.—If a Committee is appointed, it can collect evidence in two weeks.

Dewan.—By way of justification of the appointment of a Committee, evidence should be produced to show that the desire is widespread and general. Otherwise, Government will not be justified in incurring the expenditure involved in appointing a Committee. The very fact that the community is not very numerous and lives within

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